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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,150	12/22/2005	Jurgen Althammer	P/37-185	1801
2352 7590 12/30/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			EXAMINER KEE, FANNIE C	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 12/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/553,150		ALTHAMMER, JURGEN	
	Examiner		Art Unit	
	Fannie Kee		3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 10/14/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings are objected to because Figures 1-2, there is extraneous written matter. The extraneous written matter should be designated by reference element numbers on the drawings whereas the description of those elements should be in the specification.

4. the drawing are also objected to because in Figures 1-2, the cross hatching pattern for the sealing element ("3") does not show the correct elastic material pattern. See MPEP 608.02.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the coupling device being disposed in a cleaning, disinfection and drying plant so as to couple the connections of a receiving trolley and of a booth-feed facility of a washing chamber with the pipe section being fastened by the flange to the receiving trolley which can be pushed into the washing chamber of the plant, while the pipe section is fastened in the washing chamber by the second flange must be shown or the features canceled from claim 5. No new matter should be entered.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. The abstract of the disclosure is objected to because it does not positively recite the technical disclosure of the invention, i.e., "can move" in line 3 and "can be subjected" in line 11.

Correction is required. See MPEP § 608.01(b).

8. The specification is objected to because section titles are missing. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

Art Unit: 3679

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97
and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence
Listing” is required on paper if the application discloses a nucleotide or amino
acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence
Listing” is not submitted as an electronic document on compact disc).

9. The disclosure is objected to because of the following informalities:

- a. Page 1, lines 3-4 and page 3, line 11 - The specification is objected to because of the phrase “of the typed defined in the preamble to claim 1”. The specification is not read in light of the claims, rather the claims are read in light of the specification.
- b. Page 4, line 17 – replace “figure 1” with --Figure 1--.
- c. Page 5, line 1 – replace “figure 2” with --Figure 2--.

Art Unit: 3679

d. Page 7, lines 1-4 – It is not clear what Applicant means by this paragraph - "When the receiving trolley is pushed into the washing chamber and reaches the cleaning position, the flange 1 is aligned essentially with the position of that of the flange 1 of the internal feed facility in the washing chamber". How can the flange be aligned with itself?

e. Page 8, line 1 – Does Applicant mean to say --coupling device-- instead of "plant"?

Correction is required.

Claim Objections

10. Note: It is suggested to Applicant to remove references to the drawing element numbers in the claims to avoid confusion in the claims.

11. Claim 1 is objected to because of the following informalities: Claim 1 needs to be rewritten according to 37 CFR 1.75(i) - where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

Correction is required.

12. Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “A coupling device for the sealed coupling of first and second pipe sections which are movable one relative to the other and at the ends of which respective flanges are fastened which are to be mutually sealed, in that the end face of the second flange which is directed toward the first flange an annular groove being configured, in which a sealing element is disposed, and the annular groove being able to be subjected to pressure so as to press the sealing element against the end face of the first flange, characterized in that the sealing element is a sealing ring made of elastic material.”

Applicant appears to be missing a transitional phrase for the coupling device such as comprising which would clearly define the metes and bounds of Applicant's invention. The only phrase that appears to be a transitional phrase is “characterized in that the sealing element is a sealing ring made of elastic material”. However, it appears that Applicant is claiming more than just that the sealing element is a sealing ring made of an elastic material. Examiner is interpreting that the structural elements of Applicant's invention include first and second pipe

Art Unit: 3679

sections with first and second flanges, an annular groove and a sealing element which is a sealing ring made of an elastic material.

Claim 1 recites the limitation "the end face of the second flange" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the end face of the first flange" in lines 9-10. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites "the annular groove (4) can be subjected to underpressure so as to suck the sealing ring (3) inside the annular groove". What does Applicant mean by this statement? How is the annular groove subjected to underpressure? Is there a structural feature associated with the underpressure? Claim 1 only recites that the sealing element is subjected to a pressure which presses the sealing element against the end face of the first flange to form the coupling device. If the sealing ring is "sucked" back into the annular groove, then the device is no longer coupling the first and second pipe sections and is therefore no longer operating as a coupling device. Examiner is interpreting that as long as the sealing ring is capable of being subjected to an underpressure which can be move the sealing ring back into the annular groove, then this claim limitation has been met.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Seebeck U.S. Patent No. 863,001.

With regard to claim 1, and as seen in Figures 4 and 5, Seebeck discloses a coupling device for the sealed coupling of first (1) and second (2) pipe sections which are movable one relative to the other and at the ends of which respective flanges are fastened which are to be mutually sealed, in that the end face of the second flange which is directed toward the first flange an annular groove (12) being configured, in which a sealing element (11) is disposed, and the annular groove being able to be subjected to pressure so as to press the sealing element against the end face of the first flange, characterized in that the sealing element is a sealing ring made of elastic material.

With regard to claim 2, and as seen in Figures 4 and 5, Seebeck discloses that the annular groove (12) can be subjected to underpressure so as to suck the sealing ring (11) inside the annular groove.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seebeck.

With regard to claim 3, Seebeck does not disclose in Figure 5 that the sealing ring has a circular cross section. However, Seebeck does show in a different embodiment that the sealing ring can have a circular cross section as seen in Figure 7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the sealing ring to have a circular cross section because a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Conclusion

19. Moeser, Moody, and Ulrich are being cited to show other examples of coupling devices with first and second pipe sections with first and second flanges and a sealing element.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

/F. K./
Examiner, Art Unit 3679

Application/Control Number: 10/553,150

Page 12

Art Unit: 3679

December 19, 2008